

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

KATRINA DANIELLE MATEEN

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:23-CV-306-TBM-RPM

CITY OF GULFPORT et al

DEFENDANTS

**ORDER DENYING MOTION TO STRIKE THE DEFENDANTS JUNE 7, 2024,
PLEADING TO SERVE SUBPOENAS TO BANKS**

Before the Court is Plaintiff Katrina Danielle Mateen’s [41] “Motion to Strike the Defendants June 7, 2024, Pleading to Serve Subpoenas to Banks.” Plaintiff asks this Court to strike the subpoenas to banks, which were issued by Defendant City of Gulfport. She states that “[t]he material sought by the defendants from these banks are immaterial[.]” She filed an attachment to her motion which contains those subpoenas. Doc. [42]. Defendant City of Gulfport filed a response arguing that Plaintiff’s motion is untimely. Doc. [54]. According to Defendant, it gave Plaintiff written notice of its intent to issue the subpoenas on June 7, 2024, and then issued the subpoenas on June 10, 2024. *Id.* at 1. The subpoenas required compliance by June 20, 2024. *Id.* at 1–2.

The Court agrees that Plaintiff’s motion asserting her objections to the subpoenas is untimely.

Federal Rule of Civil Procedure 45(d)(2)(B) provides as follows:

A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served.

Fed. R. Civ. P. 45(d)(2)(B). Plaintiff’s motion was dated and filed on July 11, 2024; therefore, her objections are untimely. Regardless, the subpoenas were returned executed. Doc. [47]; [48]; [49];

[51]; [52]; [53]; [57]; [58]; [59]; [60]; [61]; [62]; [63]; [64]; [65]; [66]. And Defendant represents that the banks on whom the subpoenas were served all provided responsive documents prior to July 11, 2024, the date Plaintiff filed this motion. Doc. [54] at 2. Therefore, Plaintiff's motion is denied as untimely and as moot. However, the Court emphasizes that the proceedings in this matter are stayed at this time, which includes all discovery.

IT IS THEREFORE ORDERED AND ADJUDGED that Plaintiff Katrina Danielle Mateen's [41] "Motion to Strike the Defendants June 7, 2024, Pleading to Serve Subpoenas to Banks" is DENIED.

SO ORDERED, this the 20th day of August 2024.

/s/ Robert P. Myers, Jr.

ROBERT P. MYERS, JR.

UNITED STATES MAGISTRATE JUDGE